

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 101 of 1999

in

CIVIL APPLICATION No 11216 of 1998

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR.K.G.BALAKRISHNAN and
MR.JUSTICE C.K.THAKKER

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1. Whether Reporters of Local Papers may be allowed to see the judgements?-No.
2. To be referred to the Reporter or not?-No.
3. Whether Their Lordships wish to see the fair copy of the judgement?-No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?-No.
5. Whether it is to be circulated to the Civil Judge?-No.

NURJEHAN M GULIWALA

Versus

A'BAD MUNI. CORPORATION

Appearance:

PARTY-IN-PERSON for Appellants
MR PRASHANT G DESAI for Respondent No. 1
NOTICE SERVED for Respondent No. 3

CORAM : CHIEF JUSTICE MR.K.G.BALAKRISHNAN and
MR.JUSTICE C.K.THAKKER

Date of decision: 22/03/99

ORAL JUDGEMENT: (Per K.G. Balakrishnan, C.J.)

This Appeal is directed against an interim order passed by the learned Single Judge. The appellant herein filed Special Civil Application challenging the order, granting reservation for allotment of land. During the pendency of the Special Civil Application, the appellant filed an application for amendment so as to add some more grounds to the main Special Civil Application. That prayer was rejected by the learned Single Judge apparently for the reason that the addition of these new grounds would change the character of the Special Civil Application. We do not think the same to be correct as the appellant was praying only new grounds to be added to the Special Civil Application and it is for the Court to consider the same on merits. Therefore, the amendment application ought to have been allowed by the learned Single Judge. Hence, we set aside the order passed by the learned Single Judge and direct that the amendment be carried out. The appellant-petitioner to carry out the amendment within a period of two weeks. Appeal is allowed accordingly.

(apj)